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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,520	12/29/2000	Bradley J. Quinn	P1651US00	8825
30408 7590 07/23/2008 GATEWAY, INC. ATTN: PATENT ATTORNEY 610 GATEWAY DR. MAIL DROP Y-04 N. SIOUX CITY, SD 57049				
EXAMINER				
TRAN, MYLINH T				
ART UNIT		PAPER NUMBER		
2179				
MAIL DATE		DELIVERY MODE		
07/23/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/751,520

Applicant(s)

QUINN, BRADLEY J.

Examiner

MYLINH TRAN

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 44-70 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 44-70 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Amendment's Amendment filed 04/17/08 has been entered and carefully considered. Claims 1-15, 17-22, 27-32 and 34-43 have been canceled. Claims 44-70 have been added. However, the limitations of the new claims have not been found to be patentable over prior art of record and newly discovered prior art, therefore, claims 44-70 are rejected under the new ground of rejection as set forth below.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 44-49, 52-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Humpleman [US. 6,288,716] in view of Yang [US. 6,133,847].

As to claims 44, 53 and 58, Humpleman teaches receiving in the information appliance the user interface data from the remote device to be controlled, wherein the user interface data describes a plurality of remote device functions performed by the remote device (column 2, lines 57-67);

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determining functions available in the user interface template that correspond to each of the plurality of remote device functions described by the user interface data (column 4, lines 24-42); assigning one of a plurality of representations respectively to each one of the plurality of remote device functions described by the user interface data (column 4, line 24 through column 5, line 22); programming each of the assigned plurality of representations of the user interface for the information appliance to respectively control its corresponding one of the plurality of remote device functions (column 9, lines 21-29 and lines 59-63); and storing the user interface on the information appliance, the user interface including the assigned plurality of representations programmed to control the plurality of remote device functions (column 4, line 42 through column 5, line 23).

Humpleman fails to clearly teach the thin information appliance with limited processing and storage capabilities although Humpleman teaches "a first home device that is capable of displaying user interface data being connected to the home network, a second home device that stores user interface data which defines a user interface for commanding and controlling the second home device... The first home device receives the user interface data from the second home device over the home network." (column 2, lines 46-54).

However, in the same field of Humpleman, Yang teaches the thin information appliance at column 3, lines 6-23. Applicant's attention is

directed to the cited passage "Data interface 110 is utilized to download programming software code to the remote control device from the particular appliance that is to be controlled. The programming code that is downloaded to the remote control device is that code that is required in order to control the functions of the appliance to be controlled. The downloaded programming code is stored in memory 120 of the remote control device."

Yang does not download an entire user interface of the controlled devices but only the programming code of its controlled devices. It would have been obvious to one of skill in the art, at the time the invention was made, to combine the Yang's teaching of the thin information appliance with the teaching of Humpleman. Motivation of the combination would have been to save storage and memory for a remote control.

As to claims 45, 54, 59, 64 and 68, Yang teaches the user interface data describing the plurality of remote device functions does not comprise a whole of the user interface for the thin information appliance to control the remote device, thereby reducing resources usage of the thin information appliance (column 3, lines 6-23). It would have been obvious to one of skill in the art, at the time the invention was made, to combine the Yang's teaching of the thin information appliance with the teaching of Humpleman. Motivation of the combination would have been to save storage and memory for a remote control.

As to claims 46, 55 and 60, Humpleman teaches the plurality of representations including at least one representation selected from a group consisting of an icon, a scroll bar, a back arrow, a forward arrow, a keypad, a horizontal scrollbar and a vertical scrollbar (column 7, lines 26-47).

As to claims 47, 56, 61, 65 and 69, Humpleman teaches accepting input from a user to interact with a selected representation from among the plurality of representations; communicating the input to the remote device through a network such that the user is able to utilize the desired function on the remote device corresponding to the selected representation (column 5, lines 5-36).

As to claim 48, Humpleman teaches the plurality of remote device functions of the remote device including at least one selected from a group consisting of viewing remote device interface functions, viewing a remote device output, selecting the remote device interface functions, selecting the remote device output, changing the remote device interface functions, and changing the remote device output (column 6, line 60 through column 7, line 26).

As to claims 49 and 57, Humpleman teaches monitoring interface of a user with the selected representation from among the plurality of representations; and storing data representative of the monitored interaction, the data representative of the monitored interaction being

used to configure the display of the selected representation (column 8, line 55 through column 9, line 5).

As to claim 52, Humpleman teaches identifying a resource on the remote device with which a user interacts; and loading a user interface representation corresponding to the identified resource (column 9, lines 45-63).

As to claims 62, 66 and 70, Humpleman teaches the input including at least one of selecting an icon, manipulating a scroll bar, inputting a data set, and interacting with a representation of a user interface function on the remote device (column 7, lines 26-47).

As to claim 63, Humpleman teaches accessing a resource on the remote device through a network (column 6, lines 53-67); evaluating interaction of a user with the resource (column 9, lines 45-62); identifying the resource based on the evaluated interaction; and loading the user interface corresponding to the identified resource (column 9, line 64 through column 10, line 40);

receiving in the thin information appliance the user interface data from the remote device to be controlled, wherein the user interface data describes a plurality of remote device functions performed by the remote device (column 2, lines 57-67); determining functions available in the user interface template that correspond to each of the plurality of remote device functions described by the user interface data (column 4, lines 24-42); assigning one of a plurality of representations respectively to each

one of the plurality of remote device functions described by the user interface data (column 4, line 24 through column 5, line 22); programming each of the assigned plurality of representations of the user interface for the thin information appliance to respectively control its corresponding one of the plurality of remote device functions (column 9, lines 21-29 and lines 59-63); and storing the user interface on the thin information appliance, the user interface including the assigned plurality of representations programmed to control the plurality of remote device functions (column 4, line 42 through column 5, line 23).

Humpleman fails to clearly teach the thin information appliance with limited processing and storage capabilities although Humpleman teaches "a first home device that is capable of displaying user interface data being connected to the home network, a second home device that stores user interface data which defines a user interface for commanding and controlling the second home device... The first home device receives the user interface data from the second home device over the home network." (column 2, lines 46-54).

However, in the same field of Humpleman, Yang teaches the thin information appliance at column 3, lines 6-23. Applicant's attention is directed to the cited passage "Data interface 110 is utilized to download programming software code to the remote control device from the particular appliance that is to be controlled. The programming code that is downloaded to the remote control device is that code that is required in

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order to control the functions of the appliance to be controlled. The downloaded programming code is stored in memory 120 of the remote control device.”

Yang does not download an entire user interface of the controlled devices but only the programming code of its controlled devices. It would have been obvious to one of skill in the art, at the time the invention was made, to combine the Yang’s teaching of the thin information appliance with the teaching of Humpleman. Motivation of the combination would have been to save storage and memory for a remote control.

As to claim 67, Humpleman teaches a communications network; the remote device comprising equipment capable of connecting to the communications network (column 4, lines 24-42); and a plurality of remote device functions (column 6, line 54 through column 7, line 47); and the information appliance comprising equipment configured to provide at least intermittent connection between the thin information appliance and the remote device through the communications network (column 7, lines 25-58); receiving in the thin information appliance the user interface data from the remote device to be controlled, wherein the user interface data describes a plurality of remote device functions performed by the remote device (column 2, lines 57-67); determining functions available in the user interface template that correspond to each of the plurality of remote

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device functions described by the user interface data (column 4, lines 24-42); assigning one of a plurality of representations respectively to each one of the plurality of remote device functions described by the user interface data (column 4, line 24 through column 5, line 22); programming each of the assigned plurality of representations of the user interface for the thin information appliance to respectively control its corresponding one of the plurality of remote device functions (column 9, lines 21-29 and lines 59-63); and storing the user interface on the thin information appliance, the user interface including the assigned plurality of representations programmed to control the plurality of remote device functions (column 4, line 42 through column 5, line 23).

Humpleman fails to clearly teach the thin information appliance with limited processing and storage capabilities although Humpleman teaches "a first home device that is capable of displaying user interface data being connected to the home network, a second home device that stores user interface data which defines a user interface for commanding and controlling the second home device...The first home device receives the user interface data from the second home device over the home network." (column 2, lines 46-54).

However, in the same field of Humpleman, Yang teaches the thin information appliance at column 3, lines 6-23. Applicant's attention is directed to the cited passage "Data interface 110 is utilized to download programming software code to the remote control device from the

particular appliance that is to be controlled. The programming code that is downloaded to the remote control device is that code that is required in order to control the functions of the appliance to be controlled. The downloaded programming code is stored in memory 120 of the remote control device.”

Yang does not download an entire user interface of the controlled devices but only the programming code of its controlled devices. It would have been obvious to one of skill in the art, at the time the invention was made, to combine the Yang's teaching of the thin information appliance with the teaching of Humpleman. Motivation of the combination would have been to save storage and memory for a remote control.

Claims 50-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Humpleman [US. 6,288, 716] in view of Yang [US. 6,133,847].

As to claims 50 and 51, Humpleman in view of Yang fail to clearly teach the feature of the data representative of the monitored interaction including an amount of time spent by the user interacting with the selected representation, and further wherein a display of the plurality of representations is configured to include the selected representation if

said amount of time is greater than a threshold amount of time. However, it would have been well known in the computer art in which the monitored interaction data including an amount of time and a number of time spent by the user interacting because Humpleman teaches “using the interface, applications running on a home network device have accessed to the sensor and detector devices around the home for monitoring and controlling of those devices (column 22, lines 55-57), in order to monitor these devices, user need an amount of time to accomplish this task. It would have been obvious to one of skill in the art, at the time the invention was made, to combine the well known implementation with the teachings of Humpleman and Yang. Motivation of the combination would have been to control the display content in response to the past behavior of a viewer.

Response to Arguments

Applicant's arguments with respect to claims 44-70 have been considered but are moot in view of the new ground of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the

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event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mylinh Tran. The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM at 571-272-4141.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo, can be reached at 571-272-4847.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

571-273-8300

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

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Should you have questions on access to the Private PAIR system,
contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mylinh Tran

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/Weilun Lo/

Supervisory Patent Examiner, Art Unit 2179